REMARKS/ARGUMENTS

Claims 4, 7-9, 15, 16, and 37-43 are pending in this application. Claims 21-36 have

been previously withdrawn from consideration, as a result of a restriction requirement.

Claims 1-3, 5, 6, 10-14, and 17-20 have been cancelled in a previous amendment. Following

entry of the amendment, claims 7 and 37 will have been amended.

As a result of the September 29, 2003 Office Action, claims 4, 7, 9, 16, 37, 42, and 43

stand rejected under 35 U.S.C. § 112, second paragraph; claim 4 stands rejected under 35

U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,286,046 (Bryant I); claims 7-9, 15-

16, and 37-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bryant I in

view of Chen (U.S. Patent No. 6,175,862); claims 42 and 43 stand rejected under 35 U.S.C. §

103(a) as being unpatentable over Bryant I in view of U.S. Patent No. 6,078,956 (Bryant II).

For the reasons set forth below, applicants submit that the rejections have been

overcome, and that this case is in condition for allowance.

The Section 112, Second Paragraph Rejections

The Examiner has rejected claims 4, 7, 9, 16, 37, 39, 42, and 43 under section 112,

asserting that certain terms lack antecedent basis. With regard to this issue, applicants

respond as follows:

Claim 4: The term "selected information" is not intended to refer to a previously

introduced term, and thus there is no antecedent basis issue with respect to this term. The

meaning of "selected information" is clear from its usage in the claim, and does not render

the claim indefinite.

Claim 7: With regard to the term "selected information," see applicants' remarks above concerning claim 4. Additionally, the fact that the term "selected information" is used in two separate places in claim 7 does not render claim 7 indefinite, since it is clear from contextual usage what that term means in each instance. With regard to the term "recorded information," applicants have amended the claim to introduce that term, and applicants submit that the amendment is responsive to the Examiner's concern. The amendment to claim 7 merely addresses a formal issue as to the antecedent basis for a term, and is not intended to alter the scope of claim 7. With regard to the term "said response," applicants note that the term "response" is previously introduced in claim 7 as part of the phrase "receiving a response"; thus, the Examiner's rejection of claim 7 due to a lack of antecedent basis for "said response" appears to be in error.

Claim 9: With regard to the term "selected information," see applicants' response above with respect to claim 4.

Claim 16: The phrase "the representation" does not appear in line 8 of the claim, although it does appear in line 14. The term "representation" is introduced in lines 5-6 of claim 16, and thus applicants submit that there is an antecedent basis for the term "the representation."

Claim 37: Applicant has amended claim 37 to recite "a relative location" instead of "the relative location." Applicants submit that this amendment is responsive to the rejection of claim 37. The amendment to claim 37 has been made only to address a formal issue as to the wording of claim 37, and is not intended to alter the scope of that claim.

Claim 39: Claim 39 is dependent on claim 38, which introduces the term "a representation of the calculated time." Claim 39 then refers to "the representation of the

calculated time." Applicants submit that this reference to a term previously introduced in a

base claim is proper, and that the use of this term does not lack antecedent basis.

Claim 42: Contrary to the Examiner's assertion, claim 42 does not recite the term "the

representation," and thus applicants submit that the rejection of this claim for lack of

antecedent basis is in error.

Claim 43: Claim 43 is dependent on claim 16. As discussed above, claim 16

introduces the term "representation," and claim 43 refers back to this term in claim 16. Thus,

applicants submit that there is a proper antecedent basis for the term "the representation" in

claim 43.

All of the grounds for rejection under section 112, second paragraph have been

addressed above, and applicants submit that the rejection of claims 4, 7, 9, 16, 37, 39, 42, and

43 under section 112 should be withdrawn.

Claims 7-9, 16, and 37-41

Claims 7-9, 16, and 37-41 have been rejected under section 103(a) as being

unpatentable over Bryant I in view of Chen. As to each of these claims, the rejection is based

on a combination of Bryant I and Chen, in which the Examiner finds that Chen teaches one of

the following three features:

- *Feature 1*: Recording information indicative of a request, where the recorded

    information is a function of a response to a previous request (claims 7, 16, 42,

    and 43)

- *Feature 2*: The limitation described in the above bullet point, where the response is a web page, and where the function takes into account the relative locations of hyperlinks on the web page (claims 8 and 37)

- *Feature 3*: The calculation of the time between two requests (claims 9, 38, 39, and 41)

These features were discussed in response to the May 7, 2003 Office Action, and in a telephonic interview that took place incident to that Office Action. In the May 7, 2003 Office Action, the Examiner had read these features onto Bryant I. As indicated in paragraph 19(e), (f), and (g) of the present Office Action, the Examiner now agrees that these features are not present in Bryant. However, the Examiner has now read these features onto Chen. As discussed below, these features are also not taught or suggested in Chen, and thus the rejection of these claims should be withdrawn.

Chen is directed to a data type called Uniform Resource Locator Sequence (URLS), which contains a sequence of Uniform Resource Locators (URLs). The URLs contained in a URLS are sequentially accessed, and statistics are gathered on the response times for each URL. These statistics are used to properly time the execution of requests for the URLs specified in the URLS data structure, in order to simulate "streaming" of data. (See Chen, Abstract.) In Chen, each URL specified in the URLS data structure represents a segment of a video. By requesting these segments in a carefully timed sequence, it is possible to receive all of the data responsive to the "next" URL before the data responsive to the current URL has been rendered, so that the video segments can be rendered seamlessly, thereby simulating streaming video. (See Chen, col. 2, ll. 60-67.) While Chen relates generally to the subject of

web requests and responses, Chen does not teach Features 1, 2, and 3 as described in the bulleted list above.

As to Feature 1: The Examiner cites col. 4, ll. 21-48 of Chen as teaching Feature 1. This portion of Chen explains that a browser can recognize the new URLS data type, and can ask the user whether wants to render the URLs contained therein in streaming mode, or manual mode. As explained in Chen, the user may "respond" by indicating his choice as to those two modes. However, this teaching has nothing to do with feature 1, which recites that an indication of a request is stored as a function of a response to a previous request. In Chen, the response is entered by the user, and is in response to a question about whether he or she would like to render a video in streaming or manual mode. There is no teaching or suggestion in Chen that information indicative of a request is recorded and is a function of a response to a previous request. Thus, Chen does not teach or suggest Feature 1.

As to Feature 2: The Examiner has cited col. 4, ll. 21-26 as teaching Feature 2. The cited portion of Chen explains that a browser may recognize the URLS data type, and may execute a sequence of instructions in response to recognition of this data type. This teaching has nothing to do with a function that takes into account the relative location of hyperlinks on a web page. As explained in the application, and in response to the May 7, 2003 Office Action, one feature of the invention allows a user's Internet transaction with a web page to be recorded in a manner that allows the transaction to be reproduced in a realistic manner. Since users typically request content on the Internet by following links on a previously-requested web page, it may be particularly realistic to record the fact that the user followed the n-th link on a given page, rather than blindly recording the literal URL that was contained in that link at the time the transaction was recorded. Thus, Feature 2 defines that the relative location of a

link in a previously-obtained web page is taken into account in recording the user's request

(e.g., the record may reflect that the 4th link on the page was followed). Neither Chen, nor any

of the other prior art cited by the Examiner, teaches or suggests this feature.

As to Feature 3: The Examiner has cited col. 4, ll. 39-58 of Chen as teaching Feature

3. The cited portion of Chen teaches the recording of a response time, not the time between

two requests. Chen records to time values, $TD(j)$ and $A(j)$. $TD(j)$ is the "time delay between

the time the browser initiates a request for URL9J) and the time that the first data packet from

$URL(j)$ arrives at the browser" (col. 4, ll. 53-56). $A(j)$ is "the time duration from when the

first data packet arrives till [sic] the last data packet arrives" (col. 4, ll. 56-69). In other

words, Chen records the response time for a given request, not the time between two requests.

For the reasons previously explained in applicants' response to the May 7, 2003 Office

Action, the time to respond to a given request is not the same as the time between two

requests. In accordance with an aspect of the present invention, when a user makes requests

in a recorded Internet transaction, the time between these requests is recorded, so that a

transaction replayer can subsequently reproduce the requests contained in the Internet

transaction in a manner that accurately reflects the speed at which a real (human) user would

use the Internet. This feature is not taught or suggested in Chen, or in any of the prior art

cited by the Examiner.

Thus, Features 1, 2, and 3, as described above, are not taught or suggested in Chen

(or in any of the prior art cited by the Examiner). Since the Examiner's section 103(a)

rejection of claims 7-9, 16, and 37-39 is based on a finding that Chen teaches these features,

the rejection of those claims should be reconsidered and withdrawn.

Claim 4

Claim 4 calls for both the transmission and *re*-transmission of a request. The Examiner has rejected claim 4 as being anticipated by Bryant I under section 102(e). As discussed in applicants' response to the May 7, 2003 Office Action, Bryant I, at best, teaches the transmission of a request, not the transmission *and* re-transmission of the same request. The portions of Bryant I cited by the Examiner in the present Office Action generally discuss the replaying of interactive sessions, but do not expressly or inherently teach the feature recited in claim 4. Thus, Bryant I does not anticipate claim 4, and applicants respectfully request that the Examiner reconsider and withdraw the section 102(e) rejection of claim 4.

Drawings

The Examiner has not acknowledged acceptance of the formal drawings that were filed with the application. Applicants request that the Examiner indicate acceptance of the formal drawings in the next Office Action.
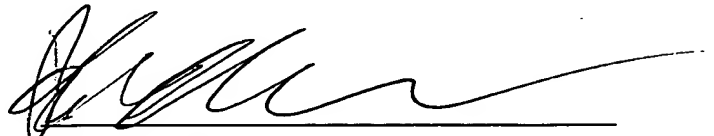
Conclusion

All of the section 112, second paragraph issues have been addressed, and claims 4, 7-

9, 16, and 37-39 have been shown to be patentable over the prior art cited by the Examiner.

Moreover, since claims 15, 42, and 43 are dependent on one or more of the claims that have

been shown to be allowable, these claims are likewise allowable at least by reason of their

dependency. Applicants thus respectfully submit that this case is in condition for allowance,

and request that the Examiner issue a Notice of Allowance in the next action.

Date: January 27, 2004

Peter M. Ullman
Registration No. 43,963

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439